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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,847	08/11/2003	Donald Edleston	10,234.002	4455

7590 10/19/2005
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EXAMINER

FOX, CHARLES A

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/638,847	EDLESTON, DONALD	
	Examiner	Art Unit	
	Charles A. Fox	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20030811</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim Warning

Applicant is advised that should claims 5 and 6 be found allowable, claims 9 and 10 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). In this case claims 9 and 10 are exact duplicates of claims 5 and 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Hallett et al. Regarding claims 1-3 Murphy US 6,418,577 teaches a tarpaulin device comprising:

a tarpaulin (30) having a generally rectangular shape;

a first end (75) having an attachment section (12) configured to be attached to a stationary object;

a second end (75) having an attachment section (12) configured to be attached to a vehicle. Murphy does not teach a the tarpaulin as having a reinforcement strap. Hallet US 4,887,823 teaches a tarpaulin device for hauling game comprising:

a tarpaulin sheet (24);
reinforcing filaments (24) running parallel with the edges of said tarpaulin;
securing means (42a,60) for holding a game animal on said sheet during movement of said sheet;

providing a pocket (65) for holding said tarpaulin in a manner that is easy to carry. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Murphy with the reinforcement filaments as taught by Hallet et al. in order to allow the device to move a heavy animal without having the tarpaulin tear.

Regarding claims 7 and 11 Murphy further teaches the method of deploying a tarpaulin as a sleeping device comprising the steps of:

attaching a first end of said tarpaulin to a stationary object using a first attachment section;

attaching a second end of said tarpaulin to a vehicle using a second attachment section;

moving said vehicle away from said stationary object such that tension in the tarpaulin is increased to a desired amount, causing said tarpaulin to move upwards off of the ground.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy and Hallet et al. as applied to claims 1 and 2 above, and further in view of Reed. Murphy and Hallet et al. teach the limitations of claims 1 and 2 as above, Murphy further teaches a method of using their device comprising the steps of:

Art Unit: 3652

attaching a first end of said tarpaulin to a stationary object using a first attachment section;

attaching a second end of said tarpaulin to a vehicle using a second attachment section;

moving said vehicle away from said stationary object such that tension in the tarpaulin is increased, causing said tarpaulin to move upwards off of the ground;

releasing the tension on said tarpaulin and detaching said tarpaulin from said stationary object. Murphy does not teach using the device to load a game animal onto said vehicle. Reed US 6,589,004 teaches a method of loading a game animal comprising the steps of:

providing a lift device comprising a frame;

attaching a first end of said device to a vehicle;

attaching a cord to a second side of said device, said cord attached to a stationary object;

placing a game animal onto said lift device;

moving said vehicle away from said stationary object such that tension in the cord is increased, causing said frame to move upwards off of the ground;

sliding said animal onto a carry rack of said vehicle;

releasing the tension on said cord;

detaching said cord from the stationary object. It would have been obvious to one of ordinary skill in the art, at the time of invention to modify the methods taught by

Art Unit: 3652

Murphy and Hillelt et al. with those as taught by Reed in order to allow the device to lift a game animal using a well known method of raising heavy loads.

Claims 5,6,9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy and Hallet et al. as applied to claim 1 above, and further in view of Burks et al. Murphy and Hallet et al. teach the limitations of claim 1 as above, they do not teach using the tarpaulin as a cover for the vehicle. Burks et al. US 6,682,123 teaches a method of covering a vehicle comprising the steps of :

attaching a tarpaulin to the rear of a vehicle with a first attachment mechanism;

deploying said tarpaulin to substantially cover said vehicle;

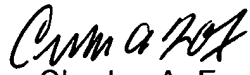
using a second attachment means to secure a second end of said tarpaulin to the front of said vehicle. It would have been obvious to one of ordinary skill in the art, at the time of invention to modify the methods taught by Murphy and Hallet et al. with those taught by Burks et al. in order to protect the vehicle from the elements while it is at a location that does not afford protection from the elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached between 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 10-12-05
Charles A. Fox
Examiner
Art Unit 3652